

IN RE TESLA, INC. SECURITIES
LITIGATION

STIPULATION AND [PROPOSED] ORDER RE: CLASS NOTICE

WHEREAS, the Certification Order further ordered that within sixty (60) days the parties were required to submit this Stipulation and Proposed Order setting forth the agreed-upon form,

1

1 content, and method of providing the notices to be disseminated to the Class pursuant to Federal
 2 Rule of Civil Procedure 23(c)(2)(B) (*id.* at ¶11);

3 WHEREAS, on January 14, 2021, the Court, having been notified during a case
 4 management conference that the parties had scheduled a mediation for March 9, 2021, stayed
 5 the publishing of Class Notice until after March 9, 2021 (Dkt. No. 306);

6 WHEREAS, on April 15, 2021, the Court, having been notified that the parties did not
 7 reach a settlement, ordered the proposed Class Notice and plan to be submitted by May 6, 2021
 8 (Dkt. No. 317);

9 NOW, THEREFORE, having met and conferred, the parties have agreed to, and
 10 respectively submit for approval by the Court, the following:

- 11 1. The proposed methods and schedule for notifying the Class of the pendency of the
 12 above-captioned action (“Action”) as a class action (“Notice Plan”) (attached hereto
 13 as Exhibit 1), and the proposed Postcard Notice of Pendency of Class Action
 14 (“Postcard Notice”), Summary Notice of Pendency of Class Action (“Summary
 15 Notice”), and Notice of Pendency of Class Action (“Notice”), attached to the Notice
 16 Plan as Exhibits B, C, and D, respectively, meet the requirements of Rule 23 and due
 17 process, constitute the best notice practicable under the circumstances, and shall
 18 constitute due and sufficient notice to all persons and entities entitled thereto;
- 19 2. Specifically, the proposed form and content of the Postcard Notice, Summary Notice,
 20 and Notice meet the requirements of Rule 23(c)(2)(B), as they clearly and concisely
 21 state in plain, easily-understood language all of the following: (a) the nature of this
 22 Action; (b) the definition of the Court-certified Class; (c) the Class claims, issues, or
 23 defenses; (d) a Class member’s right to enter an appearance through his, her, or its
 24 own attorney if the Class member so desires; (e) that the Court will exclude from the
 25 Class any Class member who requests exclusion; (f) the time and manner for
 26 requesting exclusion; and (g) the binding effect of a Class judgment on Class
 27
 28

members under Rule 23(c)(3);

3. The Court hereby approves the method for disseminating notice to the Class as set forth in the Notice Plan and the form, substance, and requirements of the Postcard Notice, Summary Notice, and Notice. Accordingly, Class Representative is to disseminate notice to the Class using the methods set forth in the Notice Plan with the assistance of Class Representative's proposed Notice Administrator, which the Court approves;
4. Nothing herein shall restrict Defendants' rights in this Action, which could include moving to de-certify the Class, in whole or in part, or seeking the exclusion from the Class of certain entities or individuals at a later date.

IT IS SO STIPULATED, through Counsel of Record.

Dated: May 6, 2021

COOLEY LLP

By: s/ Patrick E. Gibbs
Patrick E. Gibbs

Stephen C. Neal (170085)
Patrick E. Gibbs (183174)
Samantha A. Kirby (307917)
3175 Hanover Street
Palo Alto, CA 94304-1130
Telephone: (650) 843-5000
Facsimile: (650) 849-7400
Email: nealsc@cooley.com
pgibbs@cooley.com
skirby@cooley.com

Sarah M. Lightdale (*pro hac vice*)
Brian M. French (*pro hac vice*)
Bingxin Wu (*pro hac vice*)
55 Hudson Yards
New York, NY 10001-2157
Telephone: (212) 479-6000
Facsimile: (212) 479-6275
Email: slightdale@cooley.com
bfrench@cooley.com
bwu@cooley.com

*Attorneys for Defendants Tesla, Inc., Elon Musk,
Brad W. Buss, Robyn Denholm, Ira Ehrenpreis,
Antonio J. Gracias, James Murdoch, Kimbal
Musk, and Linda Johnson Rice*

Dated: May 6, 2021

LEVI & KORSINSKY, LLP

By: s/ Adam M. Apton
Adam M. Apton

Adam M. Apton (SBN 316506)
Adam C. McCall (SBN 302130)
388 Market Street, Suite 1300
San Francisco, CA 94111
Telephone: (415) 373-1671
Facsimile: (212) 363-7171
Email: aapton@zlk.com
Email: amccall@zlk.com

Nicholas I. Porritt (admitted pro hac vice)
Alexander A. Krot III (admitted pro hac vice)
1101 30th Street NW, Suite 115
Washington, D.C. 20007
Telephone: (202) 524-4290
Facsimile: (212) 363-7171
Email: nporritt@zlk.com
Email: akrot@zlk.com

Joseph Levi (admitted pro hac vice)
Eduard Korsinsky (admitted pro hac vice)
55 Broadway, 10th Floor
New York, New York 10006
Tel: (212) 363-7500
Fax: (212) 363-7171
Email: jlevi@zlk.com
Email: ek@zlk.com

*Attorneys for Lead Plaintiff Glen Littleton and
Lead Counsel for the Class*

Pursuant to Civil Local Rule No. 5-1(i)(3), all signatories concur in filing this Stipulation and Proposed Order.

Dated: May 6, 2021

LEVI & KORSINSKY, LLP

By: s/ Adam M. Apton

Adam M. Apton

Pursuant to the Stipulation, **IT IS ORDERED.**

Dated:

HON. EDWARD M. CHEN

UNITED STATES DISTRICT JUDGE